



Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner indicated that the claims appeared to be allowable over the prior art. However, the Examiner noted that the present claims are drawn to a method of use of the antibodies of copending application 11/074803, which use is disclosed in that application, and that the present application is a CIP of the parent of the 803 application. The Examiner also noted that in the decision of Teva Pharmaceuticals (86 U.S.P.Q.2d 1001, at 1008-1009, CAFC 2008), which indicates that the protection against double patenting under 35 USC 120 does not apply to CIP applications, and that methods of using a composition that are disclosed in the patent claiming the composition are not patentably distinct from the claims to the composition. In view of the above, the Examiner indicated that a terminal disclaimer over the '803 application would be required before the present application would be found allowable.

The Applicant indicated that a TD would be filed.